

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re:

Arnold J. Ryder, N.H.A.

Petition No. 820226-36-001

CONSENT ORDER

WHEREAS, Arnold J. Ryder, of Hamden, Connecticut, at all times herein complained of, has been issued license number 106 to practice as a nursing home administrator by the Department of Health Services pursuant to Chapter 368v of the General Statutes of Connecticut, as amended; and

WHEREAS, Arnold J. Ryder, at all times relevant to the instant proceeding was the administrator of Cove Manor Convalescent Center, Inc. in New Haven, Connecticut and as administrator of the facility he was responsible for the overall management of the facility including the enforcement of applicable state laws and regulations; and

WHEREAS, as administrator of Cove Manor Convalescent Center, Inc. Arnold J. Ryder signed the Department of Income Maintenance Cost Reports for said facility for fiscal years 1976, 1977, 1978, 1979 and 1980; and

WHEREAS, the Department of Health Services has alleged in the Statement of Charges dated November 23, 1982 and in the revised Statement of Charges dated January 18, 1983 that Arnold J. Ryder engaged in illegal conduct in violation of Section 19a-517 of the Connecticut General Statutes by including personal non-patient care related expenses in said cost reports; and

WHEREAS, Arnold J. Ryder has denied the Department's allegations of wrongdoing set forth above.

WHEREAS, Arnold J. Ryder, in consideration for the terms of the Consent Order, has elected not to contest the above allegations of wrongdoing. Arnold J. Ryder does not admit any guilt or wrongdoing and agrees he has executed this Consent Order solely for the purpose of proceeding before the Department of Health Services. The parties agree that the execution of this Consent Order shall have the same effect as if it had been entered and ordered subsequent to a full hearing held pursuant to Section 19a-9, Section 19a-10 and Section 19a-517 of the Connecticut General Statutes. It is understood by the parties that the terms and provisions of this Consent Order shall not be considered an admission by the Respondent in any other judicial or administrative proceeding, except in further proceedings before the State Department of Health Services, of the allegations of violations of Section 19a-517 of the Connecticut General Statutes as contained in the Statement of Charges dated November 23, 1982 and in the revised Statement of Charges dated January 18, 1983, and with the further exception of any proceedings that may arise before the State Department of Health Services involving alleged violations of Section 19a-517 of the Connecticut General Statutes as amended, revised or superseded.

NOWHEREFORE, pursuant to Section 19a-17, Section 19a-517, and Section 4-177(d) of the Connecticut General Statutes, as amended, the Respondent, Arnold J. Ryder, hereby stipulates and agrees to the following:

1. He waives his right to a hearing on the merits of the case.
2. His license, number 106, to practice as a nursing home administrator in the State of Connecticut is hereby ~~revoked~~ suspended for 5 years from the effective date of this Consent Order.

3. The suspension of his license will be ~~stayed~~ **after 1 year** and after 1 year he may practice in the State of Connecticut as a licensed nursing home administrator pursuant to license number 106, subject to his compliance with the terms and conditions of this Consent Order. He shall be placed on **probation** for 5 years from the effective date of this Consent Order. The stay of the suspension of his license and the probationary period shall be subject to the following terms and conditions:

- a. during the term of probation he shall enroll and successfully complete 30 hours/year of continuing education courses in nursing home administration. These courses shall include, but not be limited to, (1) management of health care facilities, (2) ethics, and (3) State and Federal laws and regulations governing the operation of skilled nursing and intermediate care facilities. All such courses are subject to prior approval by the Department of Health Services. The Respondent shall submit to the Department of Health Services proof of attendance and successful completion of the courses taken to fulfill this requirement. All such information shall be submitted to:

Celia Bumstead Carroll
Department of Health Services
Division of Medical Quality Assurance
150 Washington Street
Hartford, CT 06106

- b. during the period of probation the Respondent, while he is employed and serves in the capacity of a licensed nursing home administrator or as an assistant nursing home administrator, shall submit to a review of his work performance by a licensed nursing home administrator approved by the Respondent and the Department of Health Services. Said nursing home administrator shall submit quarterly reports of said evaluation to:

Gerie Bumstead Carroll
Department of Health Services
Division of Medical Quality Assurance
150 Washington Street
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- c. during the term of probation, while employed as a licensed nursing home administrator, or as an assistant nursing home administrator, he shall provide the Department of Health Services with the name and address of his employer(s). He shall inform the Department of Health Services at least 7 days in advance of any change of his employment. During the period of probation he shall provide said employer(s) with a copy of this Consent Order. If the Respondent fails to provide a copy of this Consent Order to his employer(s), the Department of Health Services shall be empowered to do so;
 - d. if during the period of probation he should practice as a nursing home administrator or an assistant nursing home administrator in another state or apply for such a professional license in another state, he shall provide the licensing agency in that state with a copy of this Consent Order. If the Respondent fails to provide a copy of the Consent Order to said licensing agency, the Department of Health Services shall be empowered to do so.
4. Any deviation from the terms of probation specified in paragraphs 3.a. through 3.d. above, without prior written approval by the Department of Health Services shall constitute a violation of probation and will result in the following procedure:
- a. the respondent will be notified in writing that the terms of probation have been violated, provided no prior written consent for deviation from said terms have been granted by the Department of Health Services;

- b. said notification will include the act(s) or omission(s) which violate the probation;
 - c. within ten days from the date of receipt of said notice the respondent shall be provided with an opportunity to demonstrate the satisfaction of the Department of Health Services that he was in compliance with the terms of probation or that he has cured the alleged violation. Failure to demonstrate compliance or to cure the alleged violation within said time limit shall result in the termination of probation and the immediate imposition of a 5 year suspension of his nursing home administrator's license, unless the respondent, within said ten day period, makes a written request of the Department of Health Services for a hearing on said matter. Such hearing shall be held within 30 days of receipt by the Department of Health Services of the respondent's request for a hearing. The hearing shall be heard by a neutral Hearing Officer. The hearing shall be limited to the alleged violation(s) of the term(s) of probation. Said hearing shall be conducted in accordance with the contested case provisions of the Connecticut Uniform Administrative Procedure Act, e.g., Section 4-177 et seq. of the Connecticut General Statutes and the Rules of Practice of the State Department of Health Services.
5. He shall assume full responsibility to timely file with the Department of Health Services any and all reports or records required under the terms of this Consent Order.

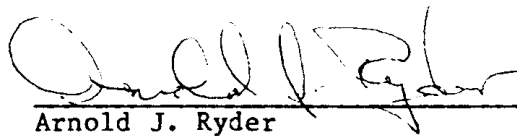
6. He is hereby assessed a ~~civil penalty~~ of \$1,000.00. Said penalty shall be paid by certified check made payable to the Treasurer, State of Connecticut and shall accompany this Consent Order upon execution by Arnold J. Ryder.
7. He understands that this Consent Order is a matter of public record.
8. Nothing in this Consent Order shall be construed as limiting the powers of the Department of Health Services pursuant to Section 4-182(c) of the Connecticut General Statutes.
9. He understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Department of Health Services (1) in which his compliance with this same order is at issue, or (2) in which his compliance with Section 19a-517 of the General Statutes of Connecticut, as amended, is at issue. It is understood by the parties to this Consent Order that the terms and provisions of this Consent Order shall not be considered as an admission by the Respondent of the allegations of violation of Section 19a-517 of the Connecticut General Statutes in any other judicial or administrative proceeding except in further proceedings before the State Department of Health Services as more particularly set forth herein.
10. This Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of

the United States. It is understood that any hearing held by the Department of Health Services regarding respondent's alleged violation of the terms of this Consent Order shall be considered a contested case and shall be subject to the contested case provisions of the Connecticut Uniform Administrative Procedures Act, e.g. Section 4-177et seq. of the Connecticut General Statutes and the Rules of Practice of the Department of Health Services. Accordingly, the respondent shall be entitled to petition for judicial review of said hearing officer's decision in accordance with Section 4-183 of the Connecticut General Statutes.

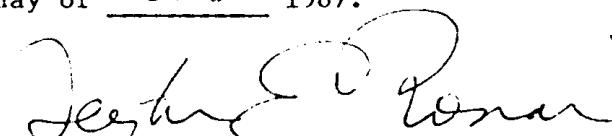
11. This Consent order is effective when accepted and approved by a duly authorized representative of the Department of Health Services.
12. He has consulted with an attorney prior to signing this document.

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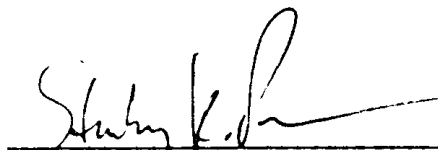
I, Arnold J. Ryder, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Arnold J. Ryder

Subscribed and sworn to before me this 14 day of December 1987.


Notary Public or person authorized by
law to administer an oath or affirmation

The above Consent Order having been prescribed to the duly appointed agent of the Commissioner of the Department of Health Services on the 3rd day of November 1987, it is hereby accepted and approved.


Stanley K. Peck, Director
Division of Medical Quality Assurance

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